

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

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In re:

Highgate LTC Management, LLC,

Case No. 07-11068

(Chapter 11)

Debtor(s)
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**UNITED STATES TRUSTEE'S APPOINTMENT
OF PATIENT CARE OMBUDSMAN**

TO: THE HONORABLE ROBERT E. LITTLEFIELD, JR.
CHIEF UNITED STATES BANKRUPTCY JUDGE

Diana G. Adams, the Acting United States Trustee for Region 2 (the "United States Trustee"), in furtherance of the administrative responsibilities imposed by 28 U.S.C. § 586(a), Interim Rule 2007.2(c) of the Federal Rules of Bankruptcy Procedure, and the Order directing this appointment entered by the Court on May 3, 2007, hereby appoints as the Patient Care Ombudsman in this case:

Eddie M. Sennett
Coordinator, Long Term Care Ombudsman
American Red Cross of Northeastern New York
33 Everett Road
Albany, New York 12205
(518) 458-8111, Ext. 3006
(518) 459-8268 fax
Sennett@redcrossneny.org
www.redcrossneny.org

This notice is accompanied by a verified statement of Edie M. Sennett (the "Patient Care Ombudsman") setting forth her connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the Acting United States Trustee, and any person employed in the office of the United States Trustee.

Section 333 of the Bankruptcy Code provides that the Patient Care Ombudsman shall:

- (1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;
- (2) not later than 60 days after the date of this appointment, and not less frequently than at 60 day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and
- (3) if she determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the court a motion or a written report, with notice to the parties in interest immediately upon making such determination; and
- (4) shall maintain any information she obtains by virtue of her appointment as Patient Care Ombudsman in this case that relates to patients (including information relating to patient records) as confidential information.

Pursuant to Interim Rule 2015.1 of the Federal Rule of Bankruptcy Procedure:

- (a) Reports. Unless the court orders otherwise, a patient care ombudsman, at least 10 days before making a report under § 333(b)(2) of the Code, shall give notice that the report will be made to the court. The notice shall be transmitted to the United States trustee, posted conspicuously at the health care facility that is the subject of the report, and served on the debtor, the trustee, all patients, and any committee elected under § 705 or appointed under § 1102 of the Code or its authorized agent, or, if the case is a chapter 9 municipality case or a chapter 11 reorganization case and no committee of unsecured creditors has been appointed under § 1102, on the creditors included on the list filed under Rule 1007(d), and such other entities as the court may direct. The notice shall state the date and time when the report will be made, the manner in which the report will be made, and, if the report is in writing, the name, address, telephone number, email address, and website, if any, of the person from whom a copy of the report may be obtained at the debtor's expense.

- (b) Authorization to Review Confidential Patient Records. A motion by a health care ombudsman under § 333(c) to review confidential patient records shall be governed by Rule 9014, served on the patient and any family member or other contact person whose name and address has been given to the trustee or the debtor for the purpose of providing information regarding the patient's health care, and transmitted to the United States trustee subject to applicable nonbankruptcy law relating to patient privacy. Unless the court orders otherwise, a hearing on the motion may be commenced no earlier than 15 days after service of the motion.

Notice is further given that the Patient Care Ombudsman in this case is expressly permitted to utilize other certified Long Term Care Ombudsman to assist her in the performance of her duties and responsibilities, save and except for her reporting obligations as set forth in Section 333(b)(2) of the Bankruptcy Code.

Notice is further given that the Patient Care Ombudsman in this case may resign her position as Patient Care Ombudsman for any reason upon twenty (20) days written notice to the United States Trustee, said notice to be delivered to the United States Trustee via overnight mail delivery or certified mail at the following address:

Diana G. Adams
Acting United States Trustee for Region 2
33 Whitehall Street, 21st Floor
New York, NY 10004

A copy of any such notice shall also be transmitted to the Clerk of the Bankruptcy Court for filing and docketing in this case.

This appointment is made as of this 3rd day of May, 2007.

DIANA G. ADAMS
ACTING UNITED STATES TRUSTEE
FOR REGION 2

By: /s/ Kim F. Lefebvre
Kim F. Lefebvre
Assistant United States Trustee
74 Chapel Street, Suite 200
Albany, New York 12207
Tel. No. (518) 434-4553